

Regular Meeting of Mayor and Council February 17, 2005

PRESENT: Mayor DeIorio; Councilmembers Badillo, Harms, Murphy, Matarante, Zeglarski and Rubilla; Borough Attorney Bill Lane

ABSENT: None

Mayor DeIorio called the meeting to order at 7:30 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C.172. (NJAC 17:27).

As required by the Fire Prevention Code, he indicated the fire exits and the procedure to be followed in case of fire.

Mayor DeIorio asked for a moment of silence to recognize the passing of Al Pisano a Former Borough Official, Borough Attorney and Borough resident.

Borough Clerk Arlene Triano read a short prayer followed by the Pledge of Allegiance.

COMMUNICATIONS & PETITIONS

Resolution from the Township of Belleville supporting Senate Bill S-1023 and Assembly Bill A-1835, which require the State to reimburse municipalities for payment of exempt disabled veterans property taxes. (Received and filed).

Letter from Nora Gualano regarding the brook on East Clay Avenue. (Referred to Council).

Notice that Sprint has filed an application for variance and site plan approval with the Roselle Board of Adjustment for the installation of a Wireless Communications Facility. (Received and filed).

Public Notice regarding the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for approval of a change in control of Public Services, and related authorizations. (Received and filed).

Copy of Ordinance amending Cranford's Land Development Code to revise certain fees. (Received and filed).

APPROVAL OF MINUTES

Councilman Matarante moved that the reading of the minutes of the Executive Session and Special Meetings of December 2, 2004, the Finance & Administration

Committee Meeting of January 18, 2005, and the Closed Session Meetings of January 20, 2005 and February 3, 2005, be dispensed with as all members have received copies and they be approved as recorded; seconded by Councilman Harms and adopted.

TRANSFER RESOLUTION

A transfer resolution authorizing the transfer between appropriations in the amount of \$39,500.00 was offered by Councilman Murphy and seconded by Councilman Badillo. (See app. pg. #).

Roll called, all members voting Aye, said resolution was adopted.

PAYMENT OF BILLS

The following routine bills listed on a consent agenda were offered by Councilman Murphy and seconded by Councilman Rubilla.

Current Account Cks. #4410-4546 (Void #4215, 4324, 4337 #90100-90109)

2004 Reserve	\$ 141,540.01	
2005	2,650,283.63	
Reserve for Grants	<u>68,585.98</u>	2,860,409.62

Capital Account Ck. #246-248 182,391.22

Animal Control Trust Account Ck. #132-132 1,286.60

Recreation Trust Account Cks. #187-189 835.00

Sewer Utility Account Cks. #237-241

Sewer Utility Account	2004	385.00	
Sewer Utility Account	2005	783.65	
Blue Cross/Blue Shield		2,504.01	
U.S. Healthcare		1,722.69	
Roselle Park Payroll Debit	01/21/05	14,248.60	
Roselle Park Payroll Debit	02/04/05	<u>13,823.22</u>	33,467.17

HUD Trust Account Ck. #189-190

HUD Trust Account		115.79	
Roselle Park Payroll Debit	01/21/05	961.20	
Roselle Park Payroll Debit	02/04/05	<u>763.27</u>	1,840.26

Trust Others Account

Roselle Park Payroll Debit	01/21/05	2,615.52	
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Roselle Park Payroll Debit	02/04/05	<u>10,090.26</u>	12,705.78
<u>Public Assistance Trust Cks. #972-990</u>			3,398.00

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RESOLVED: The Collector-Treasurer is hereby authorized to issue a check in the amount of \$250.00 for Veterans Deduction 2004 allowed by Tax Assessor on the following property.

<u>Block/Lot</u>	<u>Owner/Address</u>
1111/14	Victor Fuzo 486 Madison Avenue Roselle Park, NJ 07204

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$4,051.33 payable to:

Crusader Servicing Corp.
179 Washington Lane
Jenkintown, PA 19046

For redemption of Tax Sale Certificate #04-03, held by Crusader Servicing, Corp. on Block 311, Lot 36 (otherwise known as 225 Westfield Ave. W., Roselle Park, New Jersey) and assessed in the name of R R D Contracting, Inc.

Lien #04-03 (dated 10/7/03)	\$1,283.60
Interest on Certificate @ 4%	69.88
2% Flat Penalty	25.67
Recording Fee	40.00
Search Fee	12.00

Subsequent Charges Paid by Lienholder:	
Taxes paid 10/31/03	1,246.67
Interest on above from 10/31/03-2/17/05 @ 18% interest	291.10
Taxes paid 11/18/04	1,041.28
Interest on above from 11/18/04-2/17/25 @ 18% interest	41.13

Total redemption amount	\$4,051.33
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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$1,597.25 payable to:

James Pilewski
344 South Avenue
Fanwood, NJ 07023

For redemption of Tax Sale Certificate #03-03, held by James Pilewski on Block 311, Lot 1 (otherwise known as 229 Westfield Ave. W., Roselle Park, New Jersey) and assessed in the name of R R D Contracting, Inc.

Lien #03-03 (dated 10/7/03)	\$ 294.52
Interest on Certificate @ 18%	72.16
2% Flat Penalty	5.89
Recording Fee	40.00
Search Fee	12.00
Subsequent Charges Paid Lienholder:	
Taxes paid 10/27/03	490.83
Interest on above from 10/27/03-2/17/05 @ 18% interest	116.08
Taxes paid 8/12/04	517.16
Interest on above from 8/12/04-2/17/25 @ 18% interest	48.61
Total redemption amount	\$1,597.25

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Roll called, all members voting Aye, said resolutions were adopted.

PRESENTATIONS

Mayor DeIorio called members of the Keystone Club to the dais, along with Councilman Murphy. Councilman Murphy said this is a Club that the whole community should be extremely proud of. He thanked the Keystone Club members, saying they were not only an inspiration to their peers but to the adults as well. Mayor DeIorio said the Club raised \$2,100.00, and have a goal of \$5,000.00, for victims of the Tsunami. He suggested having a telethon on TV34 to raise the balance of the money. Mayor DeIorio read and presented certificates of appreciation to Michael Tumblety, President; William Martinez, Vice President; Chris Califano, Secretary; Brian Alaburda, Treasurer; Joe Figueroa; Ray Tucci; Katina Kalkondis; Kamila Castor; Adiel Juarbe; Kenneth Castor; Amanda Bretones; Russel Victorio; Michael Kyrant; Ashley Canelao; Ray Pardo; Luis Capo; Chris Jones and Raul Fiallo.

Mayor DeIorio called Mrs. Zeglarski to the dais. He said NEA's Read Across America, a national celebration of reading, will be conducted on March 2, 2005, which

would have been the 101st birthday of Theodor Seuss Geisler, better known as Dr. Seuss. Mayor DeIorio said the Governing Body of the Borough of Roselle Park calls on the citizens of Roselle Park to assure that every child is in a safe place reading together with a caring adult on March 2, 2005 and that this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ. He presented the proclamation to Middle School Teacher Donna Zeglarski.

Mayor DeIorio read a proclamation, on behalf of the Governing Body, declaring the month of March 2005 as "Youth Art Month" in the Borough of Roselle Park and urged all citizens to take interest in and give full support to quality school art programs for children and youth.

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

An Ordinance (#2144) entitled, "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$150,000 FOR THE ACQUISITION OF A FRONT END LOADER BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$142,500 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION" was brought up and read by title only on its second reading and public hearing.

Councilman Matarante moved that the public hearing on Ordinance #2144 be opened; seconded by Councilman Harms and adopted.

There being no one wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Harms and adopted.

Councilman Matarante moved that Ordinance #2144 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

Roll called, all members voting Aye, said ordinance was adopted.

Introduction

An Ordinance (#2145) entitled "AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS OF THE BOROUGH OF ROSELLE PARK IN AND BY THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY", was introduced and read by title only on its first reading. (See app. pg. #).

Councilman Matarante moved that Ordinance #2145 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 24, 2005; seconded by Councilman Badillo.

Roll called, all members voting Aye, said motion was adopted.

RESOLUTIONS

The following routine resolutions, listed on a consent agenda, were offered by Councilman Murphy and seconded by Councilman Rubilla. (See app. pg. #).

- #44-05 – Reconfirming appointment of John Fitzpatrick, Jr. as Zoning Board Attorney
- #45-05 – Authorizing Tax & Sewer Utility Collector to adjust sewer utility charges for Cubex, Inc.
- #46-05 – Authorizing personnel to certify for labor, services, etc. (Broadcast Technician)
- #47-05 – Supporting passage of S-2023/A-1835 requiring the State to reimburse municipalities for the reimbursement and payment of property taxes that disabled veterans are exempt from paying
- #48-05 – Authorizing the purchase of gasoline pursuant to Union County Cooperative Pricing Agreement
- #49-05 – Requesting an extension of award date for FY2004 Municipal Aid Program for East Colfax Avenue, Section III Project from the New Jersey Department of Transportation
- #50-05 – Approving an extended unpaid leave of absence for Judy Mack as Code Enforcement Officer in the Construction Department
- #51-05 – Accepting Final Change Order with Jenicar Builders Contractors for the reconstruction of Walnut Street from Roselle Avenue to Sumner Avenue (minus \$1,062.89)
- #52-05 – Accepting Final Change Order with Jenicar Builders Contractors for the reconstruction of Grove Street, North of Westfield Avenue (minus \$3,067.50)

Roll called, all members voting Aye, said resolutions were adopted.

Resolution #43-05, reconfirming appointment of Michael Tripodi as Planning Board Attorney, was offered by Councilman Harms and seconded by Councilman Matarante. (See app. pg. #).

Roll called, Councilmembers Badillo, Harms, Murphy, Matarante and Rubilla voting Aye; Councilman Zeglarski voted No. There being four affirmatives and one negative; said resolution was adopted.

FIRST AID SQUAD PRESENTATIONS

Mayor DeIorio called members of the First Aid Squad and their Executive Officers to the dais. He presented a 5 Year Service Award Certificate of Achievement to Jim Guerrant and Robyn Iungerman; a 15 Year Service Award Certificate to Charlie Frazier; a 25 Year Service Award Certificate to Bernadette Nass; a Stork Award

Certificate for Emergency Delivery of an Infant to Kerry Dawe, Lisa Malave and Veronica Deckert; High Call Response Award Certificates were given to Juan Allende for 101 calls, Robyn Iungerman for 104, Kymm Balinth-Regan for 158, Jonathan Regan for 226, Joe Iungerman for 254 and Kerry Dawe for 259 calls. Councilman Harms said he was amazed by the number of response calls and thanked them. Juan Allende thanked Mayor and Council on behalf of the First Aid Squad.

MATTERS FOR REFERRAL

Councilman Murphy reported that budget meetings were continuing and the Finance & Administration Committee meeting was held last Monday.

Councilman Harms said the Municipal Services Committee met on February 14th, and they discussed a tree at 60 W. Roselle Avenue which is on Borough property. He said the tree is so close to a foundation that it is actually growing into it, and the Committee has given permission to take the tree down which the DPW will be able to do.

Councilman Matarante moved that the Treasurer's Report for January 31, 2005, be accepted and spread upon the minutes with the exception of the budget detail; seconded by Councilman Harms and adopted. (See app. pg. #).

Councilman Matarante moved that a raffle license be granted to the Roselle Park Community Center Association for an on-premise 50/50 Raffle to be held on March 19, 2005; seconded by Councilman Harms and adopted.

Councilman Matarante said the Human Resources Committee met the other night with the Labor Attorney. He said Council and Department Heads should have all received the Employee Handbook, and said if anyone had any questions or comments to please get back to him or Linda Niedweske. He said the HR Committee and the liaison to the particular department has requested receiving any notices of grievances, so that Councilmembers are aware when they are filed. Councilman Matarante said he had a closed session item regarding a position, and some contractual issues within the Construction Code Department. Councilman Badillo asked the Mayor and Labor Attorney to realize that grievances are time sensitive, and the letter going to him needs to be considered an official notification because it can give the Union an upperhand. Councilman Matarante said the Labor Attorney was aware and the Committee and liaison would like to have a copy of the grievance once it is filed. Councilman Badillo said he did not want it to be held over the Governing Body that we were officially notified and held to that.

Mayor DeIorio said he had a contractual issue regarding the Boys & Girls Club to discuss in closed session. He indicated that he brought an issue to the Borough Attorney's attention regarding health insurance benefits.

Borough Attorney Bill Lane said there is an open session and closed session portion regarding health insurance benefits. He said the open session is that there was an

inconsistency between legislation and the resolution. He said he has prepared a draft ordinance to modify Article #47 so it will be consistent with the intention of Mayor and Council. He said there was also going to be the issue as to when it will become active, enforced and the collection of the funds.

Mayor DeIorio said he received a tape regarding conflicts of interest from the late Michael Pane, Attorney for the League of Municipalities and President of the New Jersey Institute of Municipal Attorneys. He requested the Borough Clerk have a copy made for the Governing Body, and said the tape would be made available for Borough employees and the public.

Councilman Rubilla commended Superintendent Frank Wirzbicki for his speed and dispatch and cost savings to the public during the budget process. He said a resident in his district that does not have Belgium block curbing has requested absorbing the cost on their own. Mayor DeIorio said when someone installs their own curbing, and the Borough decides to reconstruct the street, the old curbing is removed or made a part of the new curbing. He suggested writing a memo to Borough Engineer Ed Dec, asking him to respond within 7 days, regarding that request. He said if that particular street is scheduled for reconstruction within the next 2 or 3 years the Belgium block would have to be removed.

Councilman Badillo said the telethon can be turned into an on-line auction, and he would like to donate a Greg Nettles autographed Yankee jersey to bid out for the Keystone Club. Mayor DeIorio said he would have someone check with the Games of Chance and get back to him, and thanked the Councilman for his generosity. Councilman Badillo noted that the Casano Community Center will be sponsoring a St. Patrick's Luncheon on Saturday, March 19th, saying it will be open to the community and all are encouraged to come and join in the spirit of the holiday. Councilman Badillo said Boy Scout Pack 116 will be having their annual town-wide food drive, and will be dropping the food off at the Casano Community Center later that afternoon to replenish the food pantry.

Councilman Zeglarski said the new structure of committee meetings has been working out well and in the interest of speed, it has actually enhanced how things have worked. He said he is still in the process of reviewing the Web-Site program and technology issues, as well as the SID Program, and will be discussing them further during future Executive Sessions.

PUBLIC COMMENT

Councilman Matarante moved to open the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Jacob Magiera, 612 Sheridan Avenue, said everyone should keep in mind the tragedy of Nicole Giovanni. He commented on Ordinance #2145, fixing the salary of handyman, saying he thought that Ramos Reality would be providing free fix ups for

senior citizens. When he asked if a copy of the ethics tape would be available to the public, Mayor DeIorio said it would be. He said Comcast has again raised the cost of his cable bill by another \$2.86. He said the State of New Jersey wants to cut Homestead Rebates for senior and disabled citizens from \$1,200.00 to \$800.00, which is a \$400.00 deduction that they can really use. Mr. Magiera suggested that all elected officials take a 30% cut in pay, pay 30% for medical benefits, cut their pensions and stop double dipping to increase their pensions on the municipal, county, state and federal levels. He said Social Security and Homestead Rebates should not be messed with.

Robert Kenectel, 163 E. Grant Avenue, asked for the town's position on sewer lines, saying the main sewer line on his street has collapsed and crushed.

Councilman Matarante said he spoke with Ed Dec today, who gave him a copy of the ordinance which he read. He said he needed some interpretation of the ordinance, and said a video of the line was taken. He said after the Engineer reviews the tape, he will be able to see what steps need to be taken. Mayor DeIorio said normally the sewer line coming from the house going to the main line is the responsibility of the homeowner, and the line going parallel to the street is the responsibility of Borough. He said the tape will be invaluable. Councilman Matarante said that is what he expected, but they are asking from the street to the curb, and are being told that it is their responsibility to dig up, and once it is dug up, if it is the Borough's responsibility, the Borough will reimburse the homeowner. He said he was concerned with residents picking their own contractors and digging up streets, and noted that Grant Avenue is a heavily traveled road. Mr. Kenectel said it is expensive, and he would bring Councilman Matarante a copy of the estimate.

There being no one else wishing to speak, Councilman Matarante moved to close the public comment portion of the meeting; seconded by Councilman Murphy and adopted.

Mayor DeIorio read the Closed Session Resolution and said Council would be discussing the following:

- . Potential Litigation – Negotiation of claim by Joe Spagnoli regarding attorney fees
- . Contract Negotiations – Boys & Girls Club Contract regarding the Youth Center
- . Potential Litigation – Health Benefits Collection matter due to Ordinance revision
- . Contract Negotiations – Parking Enforcement/Borough Code Assistant

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 8:40 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Harms and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Harms moved, at 9:40 p.m., to resume the regular order of business; seconded by Councilman Matarante and adopted.

Mayor DeIorio said during closed session Council discussed matters pertaining to:

- . Potential Litigation – Negotiation of claim by Joe Spagnoli regarding attorney fees
- . Contract Negotiations – Boys & Girls Club Contract regarding the Youth center
- . Potential Litigation – Health Benefits collection matter due to Ordinance revision
- . Contract Negotiations – Parking Enforcement/Borough Code Assistant

APPOINTMENTS

Mayor DeIorio, on the recommendation of the Fire Chief, appointed the following as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Lorraine Hose Company #1:

- . Douglas Ferrigno, 322 Foxwood Road, Union, New Jersey

Mayor DeIorio appointed Kathy Vail as Clerical Staff for the Fire Prevention Bureau, for a one year term expiring December 31, 2005.

Councilman Harms moved to authorize the Borough Clerk to advertise for a part-time custodian at the Youth Center; seconded by Councilman Badillo and adopted.

There being no further business to come before the meeting, at 9:45 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Harms and adopted.

Attest:

Borough Clerk

